

Applicant : Draper  
Serial Number : 10/606,688  
Response to Office Action 09/7/2004

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REMARKS

The Examiner's Office Action of 03/02/2004 has been reviewed.

The Examiner's notice of the improper claim numbering has been reviewed. In response thereto, the claims have been renumbered and it is believed that the amendments herein to correct the improper numbering overcome such objections by the Examiner.

The Examiner's comment with regard to the parent application, now issued, is noted. The related application information has been updated on the first paragraph of Page 2 by amendment herein.

The Examiner's objections with regard to Figure 4 and the specification, Page 14, are noted. Submitted herewith are amendments to the specification, marked-up annotated sheet of drawings, and new formal sheet of drawings showing a modified Figure 4. The second full paragraph of Page 14 beginning on line 10 has been amended to include the following language: "The pump assembly has a circular end with an aperture 51 for the flow of air during the reciprocation of the handle while pumping. Such is well known in the pump art."

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The Examiner has then rejected claims "under 35 U.S.C. 112" as being indefinite. It is deemed that this ground of rejection is no longer applicable in view of the amendments herein.

The Examiner has then rejected Claim 1 "under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 10/606,695. . . a provisional double patenting rejection". Submitted herewith is a terminal disclaimer directed in a provisional manner with regard to co-pending application Serial No. 10/606,695. Note is taken that a careful review of claim 1 of the subject pending application differs from Claim 1 of the co-pending application Serial No. 10/606,695. Note that descriptive matter of "the lower end of the pump subassembly further having an inner guard" described in lines 3 through 7 on Page 26 of Claim 1 of co-pending application Serial no. 10/606,695. Such is not described in Claim 1 of the instant application. This rejection is traversed.

The Examiner has then rejected Claim 1 as "under the judicially created doctrine of double patenting over Claim 1 of U.S. Patent No. 6,688,877" and has rejected Claims 2 - 6 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim1 of U.S. Patent No. 6,688,877". Submitted herewith is a terminal disclaimer. It is deemed that these rejections are not well taken in view of the

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terminal disclaimer submitted herewith and associated remarks herein.

It is deemed that applicants' invention, as presently claimed, in light of the amendments herein, defines patentable subject matter and constitutes a distinct advantage over the technology of the prior application which was co-pending with the present application and over the co-pending application which was filed on the same date as the instant application. More specifically, the present application is significantly different from all lanterns prior to applicants' invention and different from that of applicants' co-pending application which has a double O-ring pump. In association therewith, the safety shield shown in Figures 10, 10A, 10B, 10C, 10D, 10E, and 11 is positionable over the fuel valve to dissipate the heat with apertures and notches and raised areas to extend the surface area for heat dissipation. Such an arrangement was not clearly anticipated with as many of the variations of the safety shield of the present application. Consequently, applicants' protection should be afforded to be extended over the variations in the safety shield as set forth in the specification and claims of the instant application. Further the submission of terminal disclaimers herewith will preclude applicant from improperly extending his monopoly from a chronological standpoint. In

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summary then, it is urged that applicants' invention is new, not being disclosed by the prior art, whether alone or in combination. Applicants' invention is useful as a significant step forward in lanterns and it is urged that applicants' invention is unobvious over the prior art, whether taken alone or in combination. Reconsideration and a notice of allowance are hereby requested.



FIG 3

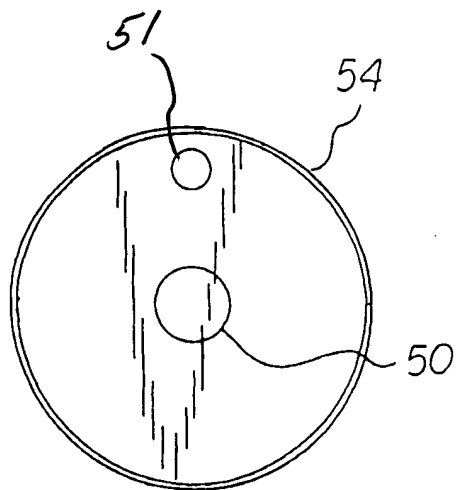
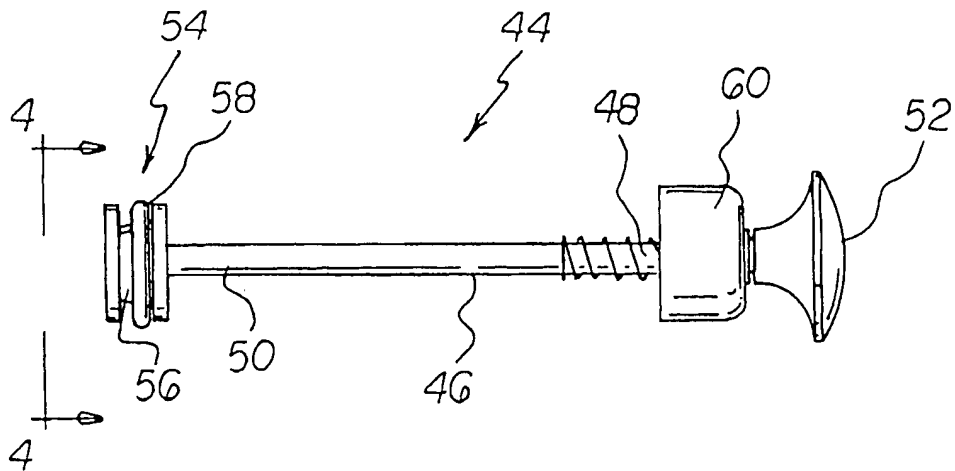


FIG 4